

REPORT

Kaikōura District Council

Statement of Proposal

Making of Kaikōura District Traffic and Parking Bylaw 2025

1. Introduction

The Local Government Act 2002 (the Act) empowers Council to make bylaws and also requires bylaws to be periodically reviewed in accordance with Section 158 of the Act. Because KDC's existing Traffic and Parking Bylaw 2018 had not been reviewed within the required timeframe a new bylaw for similar purpose must now be made.

2. Purpose of this Statement of Proposal

The Council must follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment in respect of the review or making of a Bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal that is a fair representation of the major matters in the proposal and make it available to the community. This document is the Statement of Proposal. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

3. Kaikōura District Traffic and Parking Bylaw 2018

KDC introduced a new Traffic and Parking Bylaw in 2018. This was done in response to two previous KDC bylaws (the Traffic Control Bylaw 1995 and the Speed Limits Bylaw 2005) having previously lapsed, the former in 2010 and the latter in 2012.

Though the 2018 bylaw was in a very different form to the bylaws that preceded it, much of the key functional content – in particular controls on parking and speed limits – were carried over from those previous bylaws without substantial change.

This lack of change has in some cases meant that the provisions reflected by the bylaw have not kept up with practical changes that have subsequently been made to signage around the community.

4. Proposal

Because the Traffic and Parking Bylaw 2018 was a new bylaw it was required to be reviewed within 5 years of its adoption (by 1 December 2023). Such a review was not completed and as such a new bylaw needs to be made to replace it by 1 December 2025. This new bylaw will be titled the *Kaikōura District Traffic and Parking Bylaw 2025*.

The general form of the 2018 bylaw (which was closely based on a similar bylaw of Christchurch City Council) is considered to be satisfactory and the proposed new bylaw will continue to take this form, with specific details of local traffic restrictions being recorded in a separate associated register.

A number of minor changes are however proposed to be made to the content of the primary 2018 bylaw document, the most significant of which are:

- Provisions relating to speed limits are revised to reflect changes to central government legislation that now establish the National Register of Speed Limits as the framework through which speed limits are recorded and given effect, rather than through bylaws of local authorities.
- Minor amendment to the bylaw provision (clause 11(1)) that prohibits any parking on a 'cultivated' grass berm, even where no kerb separates that berm from the road, permitting such parking to occur if it is approved by the owner or occupier of the immediately adjacent private property. It is stressed that such parking would only be permitted where no kerb is in place and the vehicle is not on a footpath.

Some provisions from the 2018 bylaw are currently included in the draft new bylaw despite the fact that there are some circumstances where it is questionable if these provisions should be enforced.

Examples of this are clause 11(2) which is a general prohibition of any stopping, standing or parking a vehicle wholly or partially on an area of road separated from the roadway by a kerb, and clause 14(1)(b) which prevents a vehicle being left in a public place for the purpose of offering the vehicle for sale.

Both of these provisions are frequently being breached along Beach Road, and direction from councillors and the community on how these issues should be managed would be desirable.

Options in this respect might include consistent enforcement of the existing provisions, or defining some limited permitted exclusions from those provisions. An approach of inconsistently applying the provisions (for example only enforcing where there is a complaint or some other perception of there being a problem) is not favoured because of the potential for unfairness and challenge.

The specific details of the particular local traffic and parking restrictions contained in the draft register associated with the bylaw largely reflect the actual restrictions that are signed in the community. There are only two cases (both in South Bay) where proposed new restrictions have been indicated in the register that exceed what is currently signed. These proposed new restrictions are as follows:

- Setting of a 120 minute time limit on parking at the area immediately adjacent to the public boat ramp at South Bay Harbour (shown on Map 6 of the new register) that is commonly used for boat trailer parking. The area does not currently have any time limit set for parking there.

This restriction is suggested because this very conveniently located site is considered ideally suited for short-term trailer parking for boat users checking cray pots etc.

- Extending the no overnight (9.00pm to 6.00am) parking restriction that is currently signed on the seaward side of Kaka Road from its intersection with South Bay Parade through to the boat ramp, so that it extends for the full length of Kaka Road.
This change is suggested because it is not apparent why the two sections of Kaka Road should be treated differently.

Copies of the proposed new bylaw and the associated register of controls are available from Council on request.

5. Report under Section 155 of the Local Government Act 2002

In proposing a Bylaw, Section 155 of the Local Government Act 2002 requires the Council to:

- a. determine whether a Bylaw is the most appropriate way of addressing the "perceived problem", and
- b. if so, determine whether the proposed Bylaw is the most appropriate form of Bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990

Bylaws cannot be inconsistent with the New Zealand Bill of Rights Act.

The perceived problem in this case is that without appropriate controls the use of roads and other public spaces by vehicles has potential to create hazard and nuisance and accordingly it is a matter suitable for regulation by a bylaw under section 145 of the Local Government Act 2002.

The making of such Bylaws by local authorities is widespread and generally accepted.

The proposed new Bylaw is considered to be consistent with the NZ Bill of Rights Act. It is not considered to impose any unreasonable restrictions on individuals and is not discriminatory.

It is therefore considered that the proposed Traffic and Parking Bylaw 2025 meets all of the tests set by the Act.

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